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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,540	09/17/2001	Frank Joseph Engo		6802

7590 07/28/2004

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EXAMINER

RAMPURIA, SATISH

ART UNIT PAPER NUMBER

2124

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,540

Applicant(s)

ENGO, FRANK JOSEPH

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on 09/17/2001.
2. Claim 1 is pending.

Specification

3. The disclosure is objected to because of the following informalities:

On page 5 “shard” should be “shared”.

Appropriate correction is required

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flowchart of the process must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted

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by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim objections

5. Claim objected to because of the following informalities:

Regarding the claim delete “What is claimed is that” and add “a”, delete “programs” and add “program”.

Appropriate correction is required.

Claim Rejections - 35 USC § 101 Utility

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim is non-statutory because it recites writing of a program without representing functional descriptive steps without a medium i.e., apparatus, method, or product. Claim 1 is not tangible, fail to show the medium.

Claim Rejections - 35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. The claim is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The claim is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

Regarding the claim it is unclear as to how the program will run online and offline without maintaining the separate versions of the source code. The claim appears to be missing method and steps of the process. Also, the portion of the claim listed appears to be merely the applicant's desired result.

Regarding the claim it is unclear how the claim is related to the drawings/figures. Lack of relationship to drawings.

Regarding the claim it is unclear how the claim is related to the drawings/figures for the method or steps. Lack of flow chart for the process of the invention.

Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over 6,112,024 to Almond et al., hereinafter called Almond in view of Supporting online Web-based teamwork in offline mobile mode too, published by Yang in June 2000, hereinafter called Yang.

Per claim 1:

Applicant claiming that source code needs to be maintained to run the program online and/or offline. However, source code is not required for program to run/execute online and/or offline, only the executable code is required. In addition, the prior art rejection is as follows.

Almond disclose:

- What is claimed is that programs written in cross-barrier will run online (connected via the internet) (col. 5, lines 26-27 “present invention... in a multi-user computer system, such as a client/server system”) or offline (col. 5, lines 24-25 “present invention... operate... a single (standalone) computer (e.g., system 100 of fig. 1A)”) without having to maintain separate versions of the source code (col. 2, lines 62-65 “a multi-tool environment, each concerned with the development of its own particular type of object... to share a version control repository”).

Almond does not explicitly disclose programs written in cross-barrier.

However, Yang discloses in an analogous computer system programs written in cross-barrier (publication, page 487, paragraph 1 “our prototype support both online and offline mobile modes for teamwork”). It is obvious that the program is written for online/offline support modes.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of supporting an online/offline supporting program as taught by Yang into the method of maintaining different versions of programs as taught by Almond. The modification would be obvious because of one of ordinary skill in the art would be motivated to write a online/offline support program to provide the flexibility to run the applications on a teamwork environment as suggested by Yang (publication, page 486, section Introduction).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to applications runs on online offline.

US Patent No. 6,357,038 to Scouten

US Patent No. 6,438,705 to Chao et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is 703-305-8891. The examiner can normally be reached on 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria

Patent Examiner

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07/26/2004

A handwritten signature in black ink, appearing to read "John Chavis", with a long horizontal flourish extending to the right.

JOHN CHAVIS
PATENT EXAMINER
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